

**PUBLIC MEETING
MARCH 13, 2001**

Chair Karolin Loendorf called the meeting to order at 9:00 am.

Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Carole Byrnes, Floyd Hoff, Robert Hudnall, Shawn Bryant, Paul Spengler, Skee Tenneson, Fred Hauy, William Loessberg, Judie Hernandez, Karl Christians, Kelly Smith, Neil Horne, Robert Rasmussen, Ron Alles, Sharon Haugen, K. Paul Stahl, and Jerry Grebenc.

Minutes. There were no minutes to approve.

Lewis and Clark County Revised Floodplain Ordinance. Paul Spengler reported that the major change of the ordinance is that the county will no longer regulate the Zone B portion of the floodplain. The revisions will also make the ordinance more user-friendly and easier to understand.

Commissioner Murray asked what water is normally in the Zone B area and if people can build in the 500-year area as long as they elevate the floor?

Paul Spengler stated typically the water in the 500-year floodplain is the extensive sheet flooding such as in the West Valley area. People can build in the 500-year floodplain but they cannot have a basement. The other provision of the new plan is to divide the Zone B area into detailed study areas and sheet flood areas and would require people to build 2 feet above the base flood elevation of the 100-year flood.

Commissioner Varone recommended that Section 1.04 C.3 on page 5 be deleted.

Commissioner Varone recommended that Section 1.04 C.2 on page 5 be changed to read: If complete, the Administrator has 30 working days to grant a permit, grant a conditional permit, or deny the application in writing.

Karl Christians, 2598 Casper Drive, reported that floods have caused more damage of all the natural disasters. Floodplains are to be preserved to allow that flood to pass. He encouraged the Commission to apply common sense and to follow these regulations and require developers to follow them. Sheet flooding has occurred in the Helena valley in 1975, 1981, and 1996.

Commissioner Murray stated his opposition to the removal of the 500-year floodplain. The problem with sheet flooding is that the ground is frozen and there is no place for the water to go, except for the natural drainages as available. He believes that the 500-year floodplain is a progressive document between the County and the developers in the valley for the safety of homeowners.

The second and final public hearing for the revised floodplain is Tuesday, March 20, 2001 at 9:00 a.m.

Request to Modify the Conditions of Approval for the East Bench, Phase V Major Subdivision, Preliminary Plat. The applicant proposes a modification for the proposed subdivision located in the E ½ of Section 6, T10N, R2W; located north of York Road, west of Lake Helena Drive. The applicant, Floyd Hoff was present. Jerry Grebenc presented the staff report. The applicant requested a modification to change the townhouse lots to 6 single-family dwellings. He also requested changing the shared water and wastewater system to individual wells and wastewater systems. The cost is the major factor for the modification request. Staff has reviewed the modification and has not received any letters in support or in opposition to this modification. Staff recommended approval of the modifications.

Floyd Hoff, 4020 Lake Helena Drive, stated that he built a 3,000 gallon pond with a hookup for the West Valley fire truck, which is 1 to 2 blocks from this development.

Hearing no public comment, the Commission closed this portion of the hearing.

Commissioner Murray moved that the Commission approve the modification request to change lots 1 through 7/8 from single family residential lots to townhouse lots with 2 dwelling units per lot, and to change the wastewater treatment system for lots 1 through 7/8 from individual onsite wastewater treatment to community wastewater treatment systems subject to 2 conditions as recommended by staff. Commissioner Varone seconded the motion and it carried unanimously.

Request to Modify the Conditions of Approval for the Tenneson Estates II Major Subdivision, Preliminary Plat. The applicant proposes a modification for the proposed subdivision in NE ¼ of Section 18, T10N, R2W; located at the east end of East Howard Road. The applicant, Skee Tenneson, was present and indicated his willingness to proceed. Jerry Grebenc presented the staff report. Staff recommended that the condition of approval for the completion of Howard Road not be removed, but made part of the proposed second phase assuming that the Commission approves the request to phase the development. Postponing the construction of this road until the second phase should initially relieve the applicant of a substantial capital cost and aid in completing the improvements for the proposed first phase of the development. If construction of the second access route is deferred until the second phase of the subdivision then the applicant should be required to complete the paving and realigning of East Howard Road as part of the first phase. Staff recommended that the conditions of approval for Tenneson Estates II Major Subdivision be amended as follows:

1. Add condition 15 which will permit the phasing of the development.
2. Condition 4 should remain unchanged, except for the second paragraph which should be amended as follows: The applicant shall construct the second ingress/egress route to Lake Helena Drive prior to final platting the second phase of the subdivision. The road shall be constructed to county road standard. The approach of the second ingress/egress route to Lake Helena Drive shall be at a 90-degree angle.
3. Condition 2 should be amended to read as follows: A storm water drainage plan,

meeting the requirements of county subdivision regulations, shall be submitted to the County Planning Dept. for review and recommendation. The drainage plan should be submitted to County staff prior to the final platting of the second phase of the development. All specifications of the requirements of the approved plan shall be met.

Commissioner Varone asked what is the obligation for paving the road for the 23 other residences already there? Jerry Grebenc stated it is the up to the applicant to make the improvements when creating a new subdivision. In the future, an RID would be necessary to maintain the roads. If the Commission wishes to grant the applicant's request to remove certain conditions of approval, staff would need to follow the variance process.

Skee Tenneson, 102½ E. Main, Box 1918, East Helena. Mr. Tenneson stated it is economically feasible to add two lots. It would cost between \$60,000 to \$80,000 to pave East Howard Road

The Commission opened the public hearing.

Judie Hernandez, 3565 Baxter Court. Ms. Hernandez stated she does not want a paved road because there are no other subdivisions out there with paved roads. The property lines are wrong and the surveys are incorrect.

William Loessberg, 3505 East Howard Road. Mr. Loessberg stated consensus of the neighbors out there is not to have a paved road. He is opposed to the changes in this development.

Jerry Grebenc stated it is the responsibility of the developer to build the road, not the residents.

Kelly Smith, 3340 Howard Road. Mr. Smith stated he does not care to be involved in an RID to pave the road, and bridging the irrigation ditch would be difficult. A new bridge would necessitate a shorter and sharper gradient be used to allow access to 3510 E. Howard Road, which would be difficult to maintain.

Fred Hauy, 3360 E Howard Road, agreed with what has been said, and the road is good in its current state.

Bill Loessberg, 3503 E. Howard Road, stated there are places that subdivisions are not feasible because of access issues.

Skee Tenneson stated he sent neighbors a letter scheduling a meeting to discuss a proposed RID to pave East Howard Road, but received no response.

Hearing no other public comments, the Commission closed this portion of the hearing.

Jerry Grebenc stated if this proposal is approved the impact will be 11 lots, not just two.

Commissioner Murray moved that the Commission render a final decision Tuesday, March 15, 2001 at 10:00 a.m. in Room 309. Commissioner Varone seconded the motion and it carried unanimously.

The Commission recessed and reconvened at 10:50 a.m.

Request for Modification of Conditions of Approval for Silver Fox Minor Subdivision.

The applicant requests modification for the proposal located in Sections 6 and 7, T11N, R4W. The request is to reconsider condition 15 relating to the sampling and analysis of certain materials within Tract B-4. Robert Rasmussen was present.

Bill Ries, Ries Surveying, was present representing the applicant, Ike Lanning. Mr. Ries stated five samples were taken and the results were sent to Alpine Analytical. The applicant would like to amend this condition because it would cost the developer \$30,000 to complete the analysis. EPA stated an extensive study should be completed.

Ike Lanning, D&L Exchange Inc., stated the amount of land for testing is very small and that the greatest health risks would come only if the ground were disturbed.

Based on the new evidence presented, Commissioner Murray moved that the Commission proceed with scheduling a public hearing on condition 15. Commissioner Varone seconded the motion and it passed unanimously.

Consideration of a Resolution of Intention To Create Rural Improvement District 2001-1 To Include the lots in the Bel Air No. 1 and No. 2 Subdivisions. Robert Rasmussen reported that the resolution is for road improvements to the Bel Air Subdivision. The RID is to chip seal the roads and do some minor curb repairs in the subdivision, and ongoing maintenance assessment to provide to minor routine maintenance. The 10-year flat fee assessment would cost \$407 per year per lot, with ongoing maintenance assessed at \$45.50 per year per lot. Three options were presented to the neighborhood and this was the lowest cost presented. If the BoCC adopts this proposal, staff would proceed with the public hearing process.

Commissioner Murray moved that the Commission adopt resolution and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Consideration of a Resolution of Intention To Create Rural Improvement District 2001-2 To Include the lots in the Big Sky No. 1 and No. 2 Subdivisions. Robert Rasmussen reported that this resolution is to create an RID to reconstruct damaged shoulder areas, an asphalt mat, and chip seal the road. The 10-year flat fee assessment would cost \$290 per year per lot, with ongoing maintenance assessment at \$40 per year per lot. Commissioner Varone moved that the Commission adopt the resolution and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Consideration of a Resolution of Intention To Create Rural Improvement District 2001-3 to include the lots in the Schmidtvile No. 1 and No. 2 Subdivisions. Robert Rasmussen reported that this proposal is for reconstruction of road edges and the application of an asphalt mat and a single shot of chip seal. The 10-year flat fee assessment is \$242 per year per lot, with ongoing maintenance costs at \$56 per year per lot. Commissioner Murray moved that the Commission adopt the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion and it passed unanimously.

Fairgrounds Bleacher Proposal. (cont. from 3/8/01). Ron Alles reported that the second option would include purchasing the bleachers to be financed over a ten-year period with an InterCap loan. The county would contribute towards that purchase on a declining basis for three years at which time the Fairground Users would pick up the balance of the cost. The loan would be in the county's name and in choosing a fiscally conservative approach, option 1 is clearly the best answer for that, it only commits the county for one year, but it limits the bleacher use to only one week. The advantage to purchasing the bleachers would be that they would always be on hand and available. In the past, staff has recommended that any proposals or budget considerations should be reviewed during the budget process. The county contributes approximately \$8,000 to \$9,000 annually to the fairgrounds, including taxes, street maintenance, and fire protection.

Commissioner Murray stated that until there is a long-range plan for the fairgrounds, he cannot support the purchase of new bleachers, but moved that the county pay the estimated \$14,490 for option 1 to rent bleachers for this fair season. Commissioner Varone seconded the motion. After further discussion on the use of the current bleachers, Commissioner Murray changed his motion to table a decision until Thursday, March 15. Commissioner Varone seconded the motion and it carried unanimously.

Neil Horne, 419 Mill Road, stated that construction of new bleachers could take 2 to 3 years.

Consolidated Planning Board Appointments. Ron Alles reported that the appointment would fill an unexpired term to September 1, 2001. Staff recommended that the Commission schedule interviews with the candidates. Commissioner Murray moved to table the appointment to Thursday, March 15. Commissioner Varone seconded the motion and it carried unanimously.

Contract and Encroachment Agreement. Robert Rasmussen reported that this agreement is for a regeneration site that would access into utilities in town. The regeneration site is located on East Mill Road. The Public Works Department has worked with Planning on design issues. Commissioner Murray would like to add a 5th conduit pipe dedicated solely to the county. Commissioner Varone moved that the Commission table the agreement to Tuesday, March 20. Commissioner Murray seconded the motion and it carried unanimously.

Other agenda items:

Final Plat Approval for the Welsh Minor Subdivision. Jerry Grebenc reported that the applicant, Frank Welsh, has met all conditions for approval. Staff recommended approval of the final plat. By consensus, the Commission agreed to sign the final plat.

Reconsideration of the motion previously made on the Oro Fino Park RID.

Commissioner Murray moved that the Commission reconsider its motion on Thursday, March 15. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 11:55 a.m.